

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OCEAN RIDGE CAPITAL ADVISORS, LLC, as  
Litigation Trustee of THE MAS LITIGATION TRUST

Plaintiff,  
-against-

METROPOLITAN LIFE INSURANCE COMPANY;  
THE NORTHWESTERN MUTUAL LIFE INSURANCE  
COMPANY; CAPITAL D'AMERIQUE CDPQ INC.;  
CAISSE DE DEPOT ET PLACEMENT DU QUEBEC;  
CSFB LP HOLDING; SKOOG FAMILY INVEST-  
MENTS, LLC; BANCAMERICA CAPITAL  
INVESTORS II, L.P.; WINDWARD/PARK AB III,  
L.L.C.; WINDWARD CAPITAL PARTNERS L.P.;  
WINDWARD CAPITAL ASSOCIATES, L.P.; SUEZ  
CAPITAL PARTNERS II, L.P.; INDOSUEZ CAPITAL  
CO-INVEST PARTNERS, L.P.; SCP II ASSOCIATES;  
CREDIT SUISSE FIRST BOSTON (USA), INC.;  
CREDIT SUISSE FIRST BOSTON; GOLDMAN  
SACHS CREDIT PARTNERS L.P.; JEFFREY A.  
ANDERSON; JON F. BAKER; JOSE R. GARCIA;  
ROBERT H. BARTON III; H.H. WACASER; PETER  
S. MACDONALD; GARY SWENSON; JOHN F.  
MAYPOLE; THOMAS GRAHAM; DONALD A.  
MCKAY; HENRY A. NICKOL; JEFFREY HODGMAN;  
A. KIPP KOESTER; CRAIG VAN ESS; GURMINDER  
S. BEDI; THOMAS WALKER; JACK SKOOG; and  
DEAN VANEK,

Defendants.

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X  
Case No. 07 CV 3213

Honorable Shira A. Scheindlin

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AFFIRMATION OF THOMAS J.  
VERTICCHIO, ESQ.

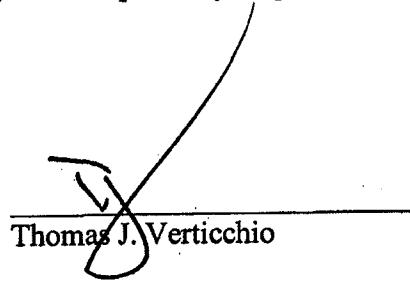
Thomas J. Verticchio, being an attorney duly admitted to the practice of law in the state of Illinois, hereby affirms under penalty of perjury:

1. I am a member of the firm Swanson, Martin & Bell LLP, attorneys for Defendant, Dean Vanek ("Vanek"). As such I am fully familiar with the facts and circumstances herein. I

submit this affirmation in support of Vanek's unopposed motion for certain relief from the requirements of Rule 12 of the Federal Rules of Civil Procedure.

2. On July 13, 2007, I consulted with James B. Heaton, Esq., and Steven J. Nachtwey, Esq., counsel for Plaintiff, concerning the within motion. During this discussion, Mr. Heaton and Mr. Nachtwey consented to the relief requested herein.

WHEREFORE, based upon the foregoing, it is respectfully requested that this Court grant Defendant Dean Vanek's motion.

  
Thomas J. Verticchio

Dated: Chicago, Illinois  
July 13, 2007